

In Re Priority:

The Applicant humbly acknowledges the Examiner's requirement regarding foreign priority. A certified copy of the foreign priority application bearing Japanese Patent Application No. JP 2003-432411 has been mailed to the USPTO by First Class Mail this date.

In Re Drawings:

The Applicant humbly acknowledges the Examiner's requirement regarding the drawings and provides a replacement sheet in place of sheet no. 1 with the necessary changes, showing every feature of the invention specified in the claims. More particularly, the drawings bearing numbers 1(A) and 1 (B) have been amended to show a convex shape of the unit case in order to depict the feature as appearing in the dependant claims.

Regarding the numbering of the drawings, the Applicant seeks to draw the careful attention of the Examiner to the drawings because the drawings have been labeled as (A) and (B) in the original application. The drawing labels (A) and (B), appear on the left side of the figures under Fig 1. Applicant has revised the Figures as requested by the Examiner.

Regarding the "drive means" as appearing in Claim 1 and the dependant claim(s), the applicant seeks to draw the attention of the Examiner to drawings 1(A) and 1(B) where the drive means is depicted by #5 and the arrows pointing in the directions of movement depict the movement of the drive means within the outer casing as claimed. Thus the drawings do show every feature of the invention specified in the claims.

In Re Abstract:

The Applicant humbly acknowledges the Examiner's reminder of the language and format of the abstract of the disclosure. The Applicant has made changes to the abstract and believes that the abstract, as amended, is in compliance of the requirements as stated by the examiner.

The Applicant respectfully requests the Examiner to replace the Abstract with the following:

An acoustic apparatus using a bone-conduction speaker can eliminate a sound pressure type speaker heretofore required and permit a bone-conduction speaker to serve both in communication and in outputting an incoming tone, thus reducing the apparatus in size and weight. The apparatus comprises: an outer casing (3), in which a bone-conduction speaker is incorporated; a unit case (1) mounted in the outer casing (3) through a support member(s) ~~means~~ (4); a drive member(s) ~~means~~ (5) for displacing the unit case (1) in the outer casing (3), the drive member(s) ~~means~~ (5) being disposed in the outer casing (3); an opening formed in the outer casing (3) ~~in a manner~~ such that the unit case (1) is permitted to have its side-head abutting surface (2) exposed to the outside, wherein the drive member(s) ~~means~~ (5) is ~~so~~ operated ~~as~~ to have the unit case (1) brought into or out of contact with the outer casing (3).

In Re 35 U.S.C. § 112

The Applicant humbly submits that Claim 1 has been amended to show that the bone-conduction speaker is incorporated in the unit case. As claim 1, as amended, is in a condition for allowance, the dependent claims 3, 6-8, 10-15 and 17-19 are therefore in a condition for allowance.

Claim 3 has been amended to show that the cell phone as appears in the claim is "a" cell phone as was used during art rejection by the Examiner. Additionally, Claim 3 has also been amended to show that the invention as claimed in claim 3 can be attached to "other suitable body portions" and the Applicant humbly submits to the Examiner that it would be common state of the knowledge to attach the claimed invention to any suitable body part. (*Capon v. Eshhar*, 418 F.3d 1349, 1357, 76 USPQ2d 1078, 1085 (Fed. Cir. 2005) ("The 'written description' requirement must be applied in the context of the particular invention and the state of the knowledge...")